

**THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 12, 2007**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Bilbao, Mortimer, Snodgrass, Wills.
Total -- 4.

Total -- 70.

Prayer was offered by Representative McGeachin.

The Pledge of Allegiance was led by Matt Fedrizze, Page.

Approval of Journal

February 12, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-third Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 9, 2007

Mr. Speaker:

I transmit herewith enrolled **S 1021** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1021** and, when so signed, ordered it returned to the Senate.

February 9, 2007

Mr. Speaker:

I return herewith enrolled **H 8, H 9, H 12, H 13, H 15, H 17, and H 22** which have been signed by the President.

WOOD, Secretary

Enrolled **H 8, H 9, H 12, H 13, H 15, H 17, and H 22** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 9, 2007

Mr. Speaker:

I transmit herewith **S 1058, S 1071, S 1069, and S 1068** which have passed the Senate.

WOOD, Secretary

S 1058, S 1071, S 1069, and S 1068 were filed for first reading.

February 9, 2007

Mr. Speaker:

I return herewith **H 35** and **H 36** which have passed the Senate.

WOOD, Secretary

H 35 and **H 36** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 12, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 13, HCR 14, HCR 15, HJM 3, H 143, H 144, H 145, H 146, H 147, H 148, H 149, H 150, H 151, H 152, H 153, H 154, H 155, H 156, H 157, H 158, H 159, H 160, H 161, H 162, H 163, H 164, H 165, H 166, H 167, H 168, and H 169.**

CLARK, Chairman

HCR 13, HCR 14, H 152, H 154, and H 169 were referred to the Environment, Energy, and Technology Committee.

HCR 15, H 155, H 157, H 158, H 159, H 160, H 161, H 162, H 163, H 164, H 165, H 166, H 167, and H 168 were referred to the Health and Welfare Committee.

HJM 3, H 143, H 144, H 145, H 146, H 149, and H 151 were referred to the Transportation and Defense Committee.

H 147 and H 153 were referred to the Local Government Committee.

H 148 was referred to the State Affairs Committee.

H 150 was held at the Desk.

H 156 was referred to the Agricultural Affairs Committee.

February 12, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 16.**

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 16**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 12, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 39, H 1, and H 2** to the Governor at 11:30 a.m., as of this date, February 9, 2007.

CLARK, Chairman

February 12, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 4** to the Secretary of State at 2:30 p.m., as of this date, February 9, 2007.

CLARK, Chairman

February 12, 2007

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 85** and recommend that it do pass.

LAKE, Chairman

H 85 was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 170
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT**

RELATING TO THE ADJUDICATION OF WATER RIGHTS; AMENDING SECTION 42-1409, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TRUTH AND ACCURACY OF STATEMENTS CONTAINED IN NOTICES OF CLAIM OR AMENDED NOTICES OF CLAIM.

**HOUSE BILL NO. 171
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1611, IDAHO CODE, TO PROVIDE LANGUAGE REQUIRING A COURT FINDING, TO REQUIRE A COURT TO INCLUDE ON THE SUMMONS AN ORDER TO REMOVE THE CHILD AND TO REVISE TERMINOLOGY; AMENDING SECTION 16-1615, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO SHELTER CARE HEARINGS; AMENDING SECTION 16-1619, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DELIVERY OF INVESTIGATIVE REPORTS PRIOR TO PRETRIAL CONFERENCES, TO REVISE REQUIREMENTS FOR COURT FINDINGS AND TO REMOVE LANGUAGE REQUIRING A DECREE TO PROVIDE FOR THE PREPARATION OF WRITTEN CASE PLANS WITHIN A SPECIFIED PERIOD; AMENDING SECTION 16-1622, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REVIEW AND PERMANENCY HEARINGS; AND AMENDING SECTION 16-1629, IDAHO CODE, TO REQUIRE THE FILING OF A PERMANENCY PLAN AND DEPARTMENT RECOMMENDATIONS AT LEAST FIVE DAYS PRIOR TO A PERMANENCY HEARING IN THE CASE OF A FINDING OF AGGRAVATED CIRCUMSTANCES.

**HOUSE BILL NO. 172
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO ADDRESS CONFIDENTIALITY FOR VICTIMS OF VIOLENCE; AMENDING TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 57, TITLE 19, IDAHO CODE, TO PROVIDE A PURPOSE, TO DEFINE TERMS, TO PROVIDE FOR JUDICIAL AUTHORIZATION, TO PROVIDE A PROCEDURE FOR AN ADDRESS CONFIDENTIALITY PROGRAM AND TO PROVIDE PENALTY PROVISIONS RELATING TO FALSELY ATTESTED APPLICATIONS, TO PROVIDE FOR CERTIFICATION CANCELLATION, TO PROVIDE FOR USE OF DESIGNATED ADDRESSES, TO PROHIBIT THE DISCLOSURE OF RECORDS AND TO PROVIDE EXCEPTIONS, AND TO AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE CERTAIN RULES.

**HOUSE BILL NO. 173
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO LEGAL NOTICES; AMENDING SECTION 60-106, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO QUALIFICATIONS OF NEWSPAPERS PRINTING LEGAL NOTICES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 174
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO REPORTING CHILD ABUSE ACTIONS IN BAD FAITH; AMENDING SECTION 16-1607, IDAHO CODE, TO INCREASE THE AMOUNT OF STATUTORY DAMAGES THAT MAY BE ASSESSED AGAINST A PERSON WHO MAKES A REPORT OR ALLEGATION OF CHILD ABUSE, ABANDONMENT OR NEGLECT KNOWING THE SAME TO BE FALSE OR WHO REPORTS OR ALLEGES THE SAME IN BAD FAITH OR WITH MALICE.

**HOUSE BILL NO. 175
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO THE CRIME OF LIBEL; AMENDING SECTION 18-4801, IDAHO CODE, TO FURTHER DEFINE "LIBEL."

**HOUSE BILL NO. 176
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO MOTOR VEHICLE OFFENSES; AMENDING SECTION 49-1401, IDAHO CODE, TO REFERENCE PENALTY PROVISIONS FOR AGGRAVATED RECKLESS DRIVING; AND AMENDING CHAPTER 14,

TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1401A, IDAHO CODE, TO SET FORTH THE CRIME OF AGGRAVATED RECKLESS DRIVING AND TO PROVIDE PENALTIES.

HOUSE BILL NO. 177

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO INCOME TAX CREDITS; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029M, IDAHO CODE, TO PROVIDE FOR AN INCOME TAX CREDIT FOR CAPITAL INVESTMENT IN BIOFUEL INFRASTRUCTURE, TO DEFINE TERMS, TO PROVIDE A LIMIT, TO PROVIDE THE MAXIMUM AMOUNT OF THE CREDIT, TO PROVIDE FOR CARRY FORWARD AUTHORITY, TO PROVIDE FOR RECAPTURE, TO PROVIDE FOR ADMINISTRATIVE PROVISIONS AND TO PROVIDE FOR RULES; PROVIDING AN EFFECTIVE DATE AND PROVIDING A SUNSET DATE.

HOUSE BILL NO. 178

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO ABATEMENT DISTRICTS; AMENDING THE HEADING FOR CHAPTER 28, TITLE 39, IDAHO CODE; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2801, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 39-2801, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS RELATING TO THE FORMATION OF ABATEMENT DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-2802, IDAHO CODE, TO REVISE PROCEDURES FOR THE FORMATION OF ABATEMENT DISTRICTS; AMENDING SECTION 39-2804, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF ABATEMENT DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-2806, IDAHO CODE, TO DELETE REFERENCE TO MOSQUITO ABATEMENT DISTRICTS AND TO REVISE PROVISIONS RELATING TO ANNEXATION TO ABATEMENT DISTRICTS; AMENDING SECTION 39-2809, IDAHO CODE, TO REVISE SHORT TITLE PROVISIONS; AMENDING SECTION 39-2810, IDAHO CODE, TO DELETE REFERENCE TO MOSQUITO ABATEMENT DISTRICTS; AMENDING SECTION 39-2811, IDAHO CODE, TO DELETE REFERENCE TO MOSQUITO ABATEMENT DISTRICTS; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2812, IDAHO CODE, TO PROVIDE FOR THE DECLARATION OF PUBLIC HEALTH AND WELFARE PESTS, TO PROVIDE FOR DISASTERS AND EMERGENCIES AND TO PROVIDE FOR INTERIM ABATEMENT DISTRICTS; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2813, IDAHO CODE, TO PROVIDE FOR THE OPERATION OF ABATEMENT DISTRICTS BY COUNTIES; AMENDING CHAPTER 28, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2814, IDAHO CODE, TO PROVIDE FOR SEVERABILITY; AMENDING SECTION 22-2508, IDAHO

CODE, TO DELETE REFERENCE TO MOSQUITO ABATEMENT DISTRICTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-2811, IDAHO CODE, TO DELETE REFERENCE TO MOSQUITO ABATEMENT DISTRICTS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 179

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PAYMENT AND COLLECTION OF PROPERTY TAXES; AMENDING SECTION 63-902, IDAHO CODE, TO REQUIRE THAT THE PERCENTAGE CHANGE FROM THE PRIOR YEAR'S PROPERTY TAXES AND PHONE NUMBERS OF EACH TAXING DISTRICT ARE INCLUDED IN THE PROPERTY TAX NOTICE; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 180

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO DISTRIBUTION OF MONEYS IN THE STATE LIQUOR ACCOUNT; AMENDING SECTION 23-404, IDAHO CODE, TO PROVIDE DISTRIBUTIONS FROM THE LIQUOR ACCOUNT TO THE SUBSTANCE ABUSE TREATMENT FUND, TO THE DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND AND TO THE DRUG AND MENTAL HEALTH COURT SUPERVISION FUND; AMENDING CHAPTER 4, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-408, TO CREATE THE SUBSTANCE ABUSE TREATMENT FUND AND TO PROVIDE FOR WHAT THE MONEYS IN THE FUND MAY BE UTILIZED; AMENDING CHAPTER 4, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-409, IDAHO CODE, TO CREATE THE DRUG AND MENTAL HEALTH COURT SUPERVISION FUND AND TO PROVIDE FOR WHAT THE MONEYS IN THE FUND MAY BE UTILIZED; AMENDING SECTION 23-603, IDAHO CODE, TO PROVIDE A CORRECT FUND NAME AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 23-1008, IDAHO CODE, TO PROVIDE FOR DISTRIBUTIONS TO THE SUBSTANCE ABUSE TREATMENT FUND AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 23-1319, IDAHO CODE, TO PROVIDE FOR DISTRIBUTIONS TO THE SUBSTANCE ABUSE TREATMENT FUND.

HOUSE BILL NO. 181

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2111, IDAHO CODE, TO DECREASE THE MAXIMUM ALLOWABLE LEVY UPON THE TAXABLE PROPERTY WITHIN A COMMUNITY COLLEGE DISTRICT FROM SIXTEEN HUNDREDTHS PERCENT OF MARKET VALUE FOR ASSESSMENT PURPOSES TO ONE HUNDRED TWENTY-FIVE THOUSANDTHS PERCENT OF MARKET VALUE FOR ASSESSMENT PURPOSES; DECLARING AN

EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

H 170, H 171, H 172, H 173, H 174, H 175, H 176, H 177, H 178, H 179, H 180, and H 181 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1058, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1069 and **S 1068**, by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

S 1071, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HCR 11, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

HCR 12 and **H 130**, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

H 78, H 60, and H 58, by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

At this time, the Speaker put the House at ease.

A Lincoln Day Memorial Service was presented to the members of the House.

Opening Remarks Representative Clete Edmunson

Posting of the Colors Idaho Civil War Volunteers

Pledge of Allegiance Frances Field, Former Representative

Violin Performance Cathyanne Nonini

Choral Performance New Dimensions Jazz Choir

Solo Performance Kayla Spain

Idaho Abraham Lincoln

Bicentennial Commission Mr. David Leroy

Retiring of the Colors Idaho Civil War Volunteers

Prior to going at ease, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

HCR 9 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall **HCR 9** be adopted?"

Whereupon the Speaker declared **HCR 9** adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Moyle asked unanimous consent that **HJM 2** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

H 86 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall **H 86** pass?"

Roll call resulted as follows:

AYES -- Anderson, Barrett, Bayer, Bedke, Bell, Black, Block, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Stevenson, Thayne, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Andrus, Bilbao, Bradford, Mortimer, Snodgrass, Trail, Wills. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 86** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 87 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. King to open debate.

The question being, "Shall **H 87** pass?"

Roll call resulted as follows:

AYES -- Anderson, Barrett, Bayer, Bedke, Bell, Black, Block, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew,

Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Stevenson, Thayn, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Andrus, Bilbao, Bradford, Mortimer, Snodgrass, Trail, Wills. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 87** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:15 a.m., Tuesday, February 13, 2007. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:54 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

PAMM JUKER, Chief Clerk